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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,984	05/29/2001	David A. Monroe	081829.000049	7399

7590 07/07/2006

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EXAMINER

VO, TUNG T

ART UNIT PAPER NUMBER

2621

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/866,984	Applicant(s) MONROE, DAVID A.	
	Examiner Tung Vo	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 57 and 61-64 is/are pending in the application.
- 4a) Of the above claim(s) 1-56 and 58-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 57 and 61-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/14/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 57, 61-62, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly (US 5,986,803) in view of Kimura (US 4,547,815).

Re claim 57, Kelly teaches a hand-held, self-contained security and surveillance system capable of being hand carried by ground personnel for both local and remote identification of a target (100 of fig. 5), comprising:

at least one sensor module (120 of fig. 5);

a base housing common electronics (100 of fig. 5) for a plurality of sensor modules (120, 122, 146, 148 of fig. 2);

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a connector (114, 116 of fig. 1) provided in the base (122 of fig. 5);

wherein the sensor module (120 of fig. 1) is mounted on the main body (102 of fig. 5) and connected to the connector (122 of fig. 5) for holding the sensor module (120 of fig. 5) in position and for connecting the sensor module to the electronics housed in the base (114 of fig. 1 and 122 of fig. 5);

wherein the mounting body (102 of fig. 1) and the connector (114 of fig. 1) are coupled any of a plurality of sensor modules (units) selected from a group consisting of:

a high performance day module a high performance night module, a high laser range finder; a forward looking infrared module; a radio frequency probe module; and a nuclear, biological and chemical detector (col. 3, lines 10-21).

It is noted that Kelly suggests the handheld or self-contained security and surveillance system (the housing) alternatively provide for modular mounting and removal of several system or accessory modules including the electronic camera, the tape record and playback device and battery, a replacement electronic display, a night vision camera, a television tuner, a video game electronic system, a system orientation tracking arrangement, a head orientation and position tracking device, or a means for mounting the system on the user's head (col. 3, lines 10-20), except a mounting rail on the base as claimed.

However, Kimura teaches a shoe (23 of fig. (6b)) is considered as a mounting rail on the base (1 of fig. (6b)) for attachment of the electronic finder (5 of fig. 7; col. 6, lines 49-57).

Therefore, taking the teachings of Kelly and Kimura as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Kelly into Kimura to

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attach and remove any suitable electronic device such as the electric finder to the camera based anytime.

Doing so would allow the user to use any one of suitable and conventional sensor modules in the portable or handheld device that reduce the cost as suggested by Kelly (col. 7, lines 1-18).

Re claim 61, Kelly further teaches wherein the base includes a viewfinder (132 of fig. 1) and a display screen (124 of fig. 6b).

Re claim 62, Kelly further teaches wherein there is further included a self-contained power supply in communication with the base for driving the base electronics and the module electronics (122 of fig. 5).

Re claim 64, Kelly further teaches wherein the base further includes a contained memory system for storing data captured by the sensor module (138 of fig. 5).

4. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly (US 5,986,803) in view of Kimura (US 4,547,815) as applied to claim 57, and further in view of Hurwitz (US 5,568,205).

Re claim 63, the combination of Kelly and Kimura does not particularly teach wherein the base includes communications equipment for transmitting data captured by the sensor module to a remote location as claimed.

However, Hurwitz teaches the base includes communications equipment for transmitting data captured by the sensor module to a remote location (33 and 34 of fig. 2).

Therefore, taking the combined Kelly, Kimura, and Hurwitz as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Hurwitz in order to providing a better quality and more quickly produced production product of video image.

Doing so would be of sufficiently high quality for review of the audio visual images so that editing of those images can be done and then the high quality counterparts of those segments can be quickly extracted from the original high quality video tape when it returns from the field.

### ***Response to Arguments***

5. Applicant's arguments filed 06/14/2006 have been fully considered but they are not persuasive.

The applicant argued that the prior references do not teach nor suggest all the claim limitation and the rejection based on hindsight reconstruction of claimed invention; and non-obviousness to combine the references, pages 4-8 of the remarks.

The examiner respectfully disagrees with that applicant. It is submitted that Kelly teaches the hand-held or self-contained security and surveillance system comprising: at least one sensor module (120 of fig. 5); a base housing common electronics (100 of fig. 5) for a plurality of sensor modules (120, 122, 146, 148 of fig. 2); a connector (114, 116 of fig. 1) provided in the base (122 of fig. 5); wherein the sensor module (120 of fig. 1) is mounted on the main body (102 of fig. 5) and connected to the connector (122 of fig. 5) for holding the sensor module (120 of fig. 5) in position and for connecting the sensor module to the electronics housed in the base (114 of fig. 1 and 122 of fig. 5); wherein the mounting body (102 of fig. 1).

Kelly further teaches the connector (114 of fig. 1) are coupled any of a plurality of sensor modules (units) selected from a group consisting of: a high performance day module a high performance night module, a high laser range finder; a forward looking infrared module; a radio frequency probe module; and a nuclear, biological and chemical detector (col. 3, lines 10-21).

**See MPEP, 803.02 [R-3] Markush Claims; 2173.05(h) Alternative Limitations, I.**

**MARKUSH GROUPS.**

Furthermore, Kelly suggests the handheld or self-contained security and surveillance system (the housing) alternatively provide for modular mounting and removal of several system or accessory modules including the electronic camera, the tape record and playback device and battery, a replacement electronic display, a night vision camera, a television tuner, a video game electronic system, a system orientation tracking arrangement, a head orientation and position tracking device, or a means for mounting the system on the user's head (col. 3, lines 10-20).

Kimura teaches a shoe (23 of fig. (6b)) is considered as a mounting rail on the base (1 of fig. (6b)) for removal attachment of the electronic finder (5 of fig. 7; col. 6, lines 49-57) and this mounting rail (1 of fig. 6b) used for the portable camera.

Since Kelly suggests the modular mounting or removal of several system or accessory modules (col. 3, lines 10-20) in the hand held or portable system, and Kimura teaches the mounting rail (1 of fig. 6b) for removal attaching the electronic finder in the portable camera. Therefore, one skill in the art would use the suggested teaching of Kelly to modify the mounting rail of Kimura into the handheld or self-contained security and surveillance system in order to secure the selected module to the handheld or self-contained security and surveillance system. In

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view of the discussion above, the claimed features are unpatentable over the combination of Kelly and Kimura.

In response to appellant's argument, the rejections based on hindsight reconstruction of claimed invention and the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to appellant's argument, non-obviousness, the following basic principle of a proper prior art analysis within 35 U.S.C. 103 (a) for obviousness.

It is noted that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. *In re Preda*, 401 F.2d 825, 159 USPQ 342 (CCPA 1968) and *in re Shepard*, 319 F.2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. *In re Sovish*, 769 F.2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. *In re Jacoby*, 309 F.2d 513, 135 USPQ 317 (CCPA 1962). The obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. *In re Bozek*, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969)). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. *In re Bode*, 550 F.2d 656, 193 USPQ 12 (CCPA 1977).



***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

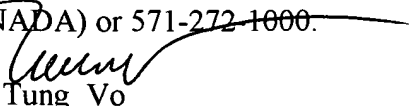
Nishiyama et al. (US 5,960,156) discloses a video camera combined with recording and reproducing system.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tung Vo  
Primary Examiner  
Art Unit 2621